

Notice of Allowability	Application No.	Applicant(s)	
	10/525,140	SIMONS ET AL.	
	Examiner	Art Unit	
	IYABO S. ALLI	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/28/2007.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>09/16/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Receipt is acknowledged of applicant's amendments to claims 1, 2, 5, 6, 8-11, 13 and 15 filed on Feb. 28, 2007. Claims 1-7 and 9-15 are pending and an action on the merits is as follows.

2. Applicant's arguments, see Applicant's remarks, filed on February 28, 2007, with respect to the rejections to claims 1-15 and specification, have been fully considered and are persuasive. The rejections to claims 1-15 and objection of the specification have been withdrawn.

3. Claims 1-15 are allowed.

4. The following is an examiner's statement of reasons for allowance:

As to claims 1, 6 and 15, the prior art of record, taken alone or in combination, fails to disclose or render obvious searching the database for data items that match color criteria indicated by the transmitted color definition data file, transmitting said list of data items to the user device, providing as output to a user the one or more data items in the list on the portable user device and a means for indicating determined stored files that match the color criteria as clearly shown, in combination with the rest of the limitations of the claim.

As to claim 8, the prior art of record, taken alone or in combination, fails to disclose or render obvious an indication of current location of the portable user device and wherein each data item includes data identifying an indication of retail location of

the respective article as clearly shown, in combination with the rest of the limitations of the claim.

As to claims 9 and 13, the prior art of record, taken alone or in combination, fails to disclose or render obvious receiving a color definition data file relating to a current sampled article, and searching color definition data files in the memory to determine if any of the stored files match only color criteria indicated by the color definition data for a current sample and providing as output on the color matching device an indication if any stored files match the color criteria as clearly shown, in combination with the rest of the limitations of the claim.

As to claim 10, the prior art of record, taken alone or in combination, fails to disclose or render obvious a wireless transmitter for transmitting said color definition data file to a remote database and a wireless receiver for receiving, from said remote database, a list of data items that match color criteria indicated by the transmitted color definition data as clearly shown, in combination with the rest of the limitations of the claim.

Reference **5,272,518** discloses a feedback network to monitor and correct colors displayed by a color monitor.

However, it fails to disclose the limitations cited above in claims 1, 6 and 15.

Reference **5,483,339** discloses a device for separating light after a sample is scanned.

However, it fails to disclose the limitations cited above in claim 8.

Reference **6,584,435** discloses measuring a number of color test patch samples printed by the printer.

However, it fails to disclose the limitations cited above in claims 9 and 13.

Reference **6,640,145** discloses determining the presence of an object within an image and adaptive pattern recognition.

However, it fails to disclose the limitations cited above in claim 10.

Claims 2-5, 7, 11, 12 and 14 are dependent on allowable claims cited above and are therefore in condition for allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IYABO S. ALLI whose telephone number is 571-270-1331. The examiner can normally be reached on M-Th 7:30am- 5:00pm; 1st F-OFF & 2nd F- 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

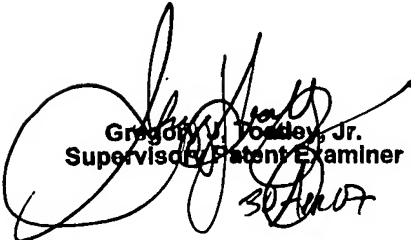
IYABO S. ALLI

Examiner

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April 26, 2007

J.A.


Gregory V. Foxley, Jr.
Supervisor Patent Examiner
30 April 2007